

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

IN RE:

**MOTORS LIQUIDATION COMPANY, *et al.*,
f/k/a General Motors Corp., *et al.***

CHAPTER 11
CASE NO. 09-50026(REG)
(Jointly Administered)

Debtors.

NOTICE OF APPEAL TO UNITED STATES DISTRICT COURT

WALTER J. LAWRENCE, the debtor hereby appeals to the United States District Court from the order of the Bankruptcy Judge entered in this case on November 24, 2009, (Docket entry _#), a copy of which is attached hereto.

In *In re Chateaugay Corp.* 880 F.2d 1509, 1511 (CA2, 1989), the Second Circuit held that:

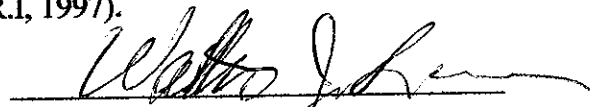
The automatic stay provisions of section 362 of the Bankruptcy code provide the unique content in this case for application of these finality principles. Courts have uniformly held an order lifting the automatic stay to be final and appealable, see *Tringali v. Hathaway Machinery Co.*, 796 F.2d 553, 557-58 (CA1, 1986); 1 *Collier on Bankruptcy* at ¶ 3.03(6)(e) (15th ed. 19880 (hereafter "Collier"). Moreover, although 'courts have had a more difficult time' deciding whether orders denying relief from the stay are final, see 1 *Collier* at ¶ 3.03(6)(e), most circuits that have considered the issue have held that such orders are final. See *In re American Mariner Industries, Inc.*, 734 F.2d 426, 429 (CA9, 1984); *In re Leimer*, 724 F.2d 744, 745 (CA8, 1984); *Borg-Warner Acceptance corp v. Hall*, 685 F.2d 1306, 1308 (CA11, 1982). This Court has held denial of relief from the automatic stay to be final order, appealable order because such denial is the functional equivalent of a permanent injunction.:

Bankruptcy Judge Parente's denial of relief from the automatic stay was the equivalent of a permanent injunction.....It was a final order disposing of Di Pierro's petition for relief from the automatic stay, and was therefore appealable as of right to the district court...An order granting a permanent injunction is a final order. See *Vicksburg v. Henson*, 231 U.S. 259, 266-67, 34 S.Ct. 95, 97-98, 58 L.Ed. 209 (1913). Congress manifestly intended to treat final denial of relief from the automatic stay as a final order

Since the ultimate determination on whether to lift or deny a stay ‘depends upon the facts underlying a given motion,’ *In re Bogdanovich*, 292 F.2d 104, 110 (CA2, 2002), the bankruptcy court’s granting or denying a motion to lift the automatic stay is reviewed for an abuse of discretion. *In re Sonmax Industries, Inc. v. Tri Component Products Corp.*, 907 F.2d 1280, 1286 (CA2, 1990) (“[W]e may overturn a denial of a motion to lift the automatic stay only upon a showing of abuse of discretion.”) (internal citations omitted but relief on). Thus, appellant now turns to the test for determining abuse of discretion

“Abuse of discretion occurs when a court ignores important and relevant factors in making its decision, considers important factors, or errs in balancing factors that were properly considered.” *Peerless Inc. Co. V. Rivera*, 208 B.R. 313, 315 (D.R.I, 1997).

Dated: November 30, 2009



Walter J. Lawrence

Secured Creditor, pre se.

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**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

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In re	:
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MOTORS LIQUIDATION COMPANY, et al.,	:
f/k/a General Motors Corp., et al.	:
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Debtors.	:
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**ORDER DENYING MOTION OF WALTER J. LAWRENCE FOR RELIEF
FROM THE AUTOMATIC STAY**

Upon the motion, dated October 5, 2009 (the "**Motion**") of Walter J. Lawrence, requesting relief from the automatic stay, all as more fully described in the Motion; and the Court having jurisdiction to consider the Motion and the requested relief in accordance with 28 U.S.C. §§ 157 and 1334 and the Standing Order M-61 Referring to Bankruptcy Judges for the Southern District of New York Any and All Proceedings Under Title 11, dated July 10, 1984 (Ward, Acting C.J.); and consideration of the Motion being a core proceeding pursuant to 28 U.S.C. § 157(b); and venue being proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409; and Motors Liquidation Company and its affiliated debtors having filed their opposition to the Motion [Docket No. 4327] (the "**Opposition**"); and the Court having held a hearing to consider the requested relief on November 5, 2009 (the "**Hearing**"); and based upon the Motion, the Opposition, and the record of the Hearing, and all of the proceedings before the Court, it is

ORDERED that for the reasons set forth on the record of the Hearing, the Motion is DENIED; and it is further

ORDERED that this Court shall retain jurisdiction to hear and determine
all matters arising from or related to the implementation, interpretation and/or
enforcement of this Order.

Dated: November 24, 2009

New York, New York

s/ Robert E. Gerber
THE HONORABLE ROBERT E. GERBER
UNITED STATES BANKRUPTCY JUDGE

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE:

MOTORS LIQUIDATION COMPANY, *et al.*,
f/k/a General Motors Corp., *et al.*

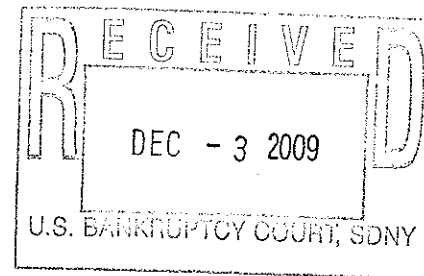
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CHAPTER 11
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CERTIFICATE OF SERVICE OF NOTICE OF APPEAL

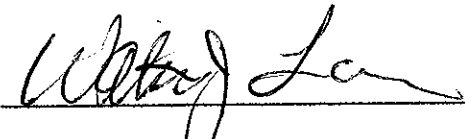
This is to certify that on November 30, 2009, Walter J. Lawrence did place in a U.S. mail receptacle his Notice of Appeal of the Bankruptcy Court order entered on November 24, 2009, a copy of which is attached, to: .

Weil, Gotshal & Manges, LLP
767 Fifth avenue
New York, NY 10153
Attn: Harvey R. Miller, Esq.
Stephen Karotkin, Esq.
Joseph H. Smolinsky, Esq.



by placing the same in a U.S. Mail receptacle with U.S. postage fully prepaid for first class delivery.

Dated: November 30, 2009

By: 
Walter J. Lawrence
Plaintiff in pro per.